

SECTION 3. ETHICS, DISCLOSURE OF ILLEGAL OR IMPROPER ACTS, EMPLOYMENT OF RELATIVES, DISCRIMINATION ON THE BASIS OF POLITICAL AFFILIATION, OUTSIDE EMPLOYMENT, AND SEXUAL OR ROMANTIC RELATIONSHIPS IN THE WORKPLACE

3-1. Ethics. A County employee must not engage in any conduct, employment, private business, or profession that violates:

- (a) Article 4, “Merit System and Conflicts of Interest”, of the Charter of Montgomery County, Maryland (Appendix A);
- (b) Section 33-10 of the Montgomery County Code 1994 (Appendix B and Sections 3-2 and 35-20 through 35-26 of these Regulations);
- (c) Chapter 19A, “Ethics”, of the Montgomery County Code 1994, as amended (Appendix C); or
- (d) any other law governing the conduct of a County employee.

3-2. Disclosure of illegal or improper acts in County government.

- (a) An employee should report an illegal or improper act in County government.
- (b) An employee should report an illegal or improper act to the individual responsible for investigating the act or taking corrective action, such as:
 - (1) the employee's immediate supervisor or higher level supervisor;
 - (2) the employee's department director;
 - (3) the CAO or County Executive for executive branch employees;
 - (4) the County Council for legislative branch employees;
 - (5) the Inspector General, in matters of fraud, waste, or abuse; or
 - (6) the MSPB or Ethics Commission, when an employee believes this is appropriate, such as in cases involving coercion or retaliation.
- (c) An individual to whom an employee reports an illegal or improper act must not reveal the identity of the employee who filed the report or a County employee or official who is the subject of the report, unless:
 - (1) each party waives confidentiality in writing; or

- (2) Section 19A-10 of the County Code expressly authorizes revealing a party's identity.
- (d) The MSPB, Ethics Commission, or Inspector General must refer the report to the government agency, including the MSPB, Ethics Commission, or Inspector General, that is responsible for investigating or addressing the inappropriate or unlawful conduct alleged in the report. The government agency must then investigate the conduct alleged in the report.
- (e) The role of the MSPB in investigating allegations of illegal or improper acts is described in Sections 35-20 through 35-26 of these Regulations.

3-3. Discrimination on the basis of political affiliation.

- (a) Section 33-9 of the County Code prohibits a County supervisor from taking any personnel action on the basis of an applicant's or employee's political affiliation.
- (b) An applicant for County employment or an employee who alleges discrimination on the basis of political affiliation may file an appeal with the MSPB.

3-4. Work during official hours. An employee must devote all working hours to the performance of the employee's official duties.

3-5. Outside employment. An employee must comply with executive regulations on outside employment issued by the Ethics Commission.

3-6. Employment of relatives. An employee must not supervise, appoint, employ, promote, advance, or otherwise participate in any personnel action affecting an individual who lives with the employee, is a relative or domestic partner of the employee, or has a sexual or romantic relationship with the employee.

3-7. Sexual or romantic relationships in the workplace.

- (a) To avoid harassment or real or apparent preferential treatment of an employee by the employee's supervisor, a supervisor and an employee under the supervisor's direct or indirect supervision who are involved in a sexual or romantic relationship must immediately report the relationship to the department director.
- (b) The department director may reassign the employee or the supervisor to another work unit.
- (c) A department director may take disciplinary action, up to and including dismissal, against a supervisor:
 - (1) who fails to report having such a relationship; or

- (2) who engages in harassment, favoritism, unfair bias, or preferential treatment because of the supervisor's relationship with the employee.

Editor's note – The subjects covered in this section of the Personnel Regulations are addressed for bargaining unit employees in the current collective bargaining agreements as indicated below:

Bargaining unit	Articles of current agreements with references to secondary employment
Firefighter/Rescuer	22, Prevailing Rights
OPT/SLT	9, Working Conditions 50, Legal Defense and Representation
Police	27, Secondary Employment
	Articles of current agreements with references to discrimination on the basis of political affiliation
Firefighter/Rescuer	None
OPT/SLT	38, Non-discrimination
Police	26, Non-discrimination
	Articles of current agreements with references to sexual or romantic relationships in the workplace
Firefighter/Rescuer	None
OPT/SLT	None
Police	15, Hours and Working Conditions